

AMENDED IN SENATE JUNE 25, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 1507

**Introduced by Assembly Member Block
(Coauthor: Assembly Member Chesbro)**

February 27, 2009

An act to amend Sections 42101.1, 42101.3, 42102, 42103, ~~and 42106 42106, and 42107~~ of, *to add Section 42101.4 to*, to repeal Sections ~~42101.2, 42105, and 42107~~ *42101.2 and 42105* of, and to repeal and add Section 42101 of, the Public Resources Code, relating to hazardous materials.

LEGISLATIVE COUNSEL'S DIGEST

AB 1507, as amended, Block. Hazardous materials: metal plating facilities.

Existing law establishes, until January 1, 2012, a loan guarantee program, developed and administered by the Business, Transportation and Housing Agency, to assist chrome plating facilities to purchase high performance environmental control equipment or technologies. Existing law establishes in the State Treasury the Chrome Plating Pollution Prevention Fund to receive deposits of state, federal, and local governmental money, and other public or private money, for expenditure by the agency, upon appropriation by the Legislature, to make loan guarantees available to eligible metal plating facilities.

This bill would revise and recast the program to instead establish *until January 1, 2014*, the Chrome Plating and Metal Finishing Pollution Prevention Grant Program to be administered by the Department of Toxic Substances Control. *The bill would rename the above fund the Chrome Plating and Metal Finishing Pollution Prevention Fund.* The

department would be authorized to expend, upon appropriation by the Legislature, money in the fund to make grants *that do not exceed 50% of the project cost or \$75,000, whichever is less to chrome* metal plating facilities to be used for pollution prevention improvements. *The bill would prohibit the department from awarding additional grants upon the exhaustion of moneys in the fund.* The bill would also make conforming changes.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 42101 of the Public Resources Code is
2 repealed.
3 SEC. 2. Section 42101 is added to the Public Resources Code,
4 to read:
5 42101. There is hereby created in the department the Chrome
6 Plating and Metal Finishing Pollution Prevention Grant Program.
7 SEC. 3. Section 42101.1 of the Public Resources Code is
8 amended to read:
9 42101.1. The department shall only make grants available to
10 applicants that meet all of the following eligibility requirements:
11 (a) The applicant is a small business, as defined in subdivision
12 (d) of Section 14837 of the Government Code.
13 (b) The applicant owns or operates a metal plating facility.
14 (c) The applicant satisfies one of the following conditions:
15 (1) Has completed or is currently participating in the Model
16 Shop Program for metal platers.
17 (2) Has completed or is currently participating in the National
18 Metal Finishing Strategic Goals Program.
19 (3) Is participating in a green business program whose goals
20 are consistent with the pollution prevention and natural resource
21 conservation elements of the Model Shop Program.
22 (4) Is certified as a green business whose goals are consistent
23 with the pollution prevention and natural resource conservation
24 elements of the Model Shop Program.
25 (d) The applicant demonstrates that moneys obtained pursuant
26 to this section will be used for pollution prevention improvement
27 that will allow the facility to ~~meet or~~ exceed existing regulatory

1 requirements, ~~or both~~, and that the facility has no pending local,
2 state, or federal enforcement or correction actions.

3 *(e) For the purposes of this section, "pollution prevention*
4 *improvement" means the retrofitting of a metal plating facility or*
5 *equipment that results in the reduction of chromium or other toxic*
6 *metal emissions to a level that exceeds existing regulatory*
7 *requirements.*

8 SEC. 4. Section 42101.2 of the Public Resources Code is
9 repealed.

10 SEC. 5. Section 42101.3 of the Public Resources Code is
11 amended to read:

12 42101.3. The department shall carry out all of the requirements
13 of this chapter and shall consult with the California Environmental
14 Protection Agency, local environmental regulatory agencies, and
15 other interested parties, as needed.

16 SEC. 6. Section 42101.4 is added to the Public Resources Code,
17 to read:

18 42101.4. (a) *The department may issue a grant to an applicant*
19 *pursuant to Section 42101.1, upon the applicant's completion of*
20 *pollution prevention improvements to the applicant's metal plating*
21 *facility.*

22 (b) *The amount of the grant issued pursuant to Section 42101.1*
23 *shall be determined based on the proximity to sensitive receptors,*
24 *potential for toxic contaminant reduction, the facility's past record*
25 *of pollution prevention involvement, and other factors the*
26 *department deems pertinent. The amount of the grant shall not*
27 *exceed 50 percent of the total project cost or seventy-five thousand*
28 *dollars (\$75,000), whichever is less.*

29 (c) *Upon the exhaustion of moneys in the Chrome Plating and*
30 *Metal Finishing Pollution Prevention Fund, the department shall*
31 *not make any additional grants.*

32 ~~SEC. 6.~~

33 SEC. 7. Section 42102 of the Public Resources Code is
34 amended to read:

35 42102. (a) There is hereby created, in the State Treasury, the
36 Chrome Plating and Metal Finishing Pollution Prevention Fund,
37 for the sole purpose of receiving deposits of state, federal, or local
38 government money, and other public or private money, for
39 expenditure, upon appropriation by the Legislature, by the
40 Department of Toxic Substances Control.

1 (b) Notwithstanding Section 16305.7 of the Government Code,
2 all interest or other increments resulting from the investment of
3 the moneys in the Chrome Plating and Metal Finishing Pollution
4 Prevention Fund pursuant to Article 4 (commencing with Section
5 16470) of Chapter 3 of Part 2 of Division 4 of Title 2 of the
6 Government Code shall be deposited in the fund.

7 (c) The moneys in the fund shall be expended by the department,
8 upon appropriation by the Legislature, to make grants, to support
9 the Model Shop Program pursuant to this chapter, and to pay for
10 administrative costs associated with the implementation of this
11 chapter. No more than 5 percent of moneys deposited into the fund
12 may be used for administrative purposes.

13 ~~SEC. 7.~~

14 SEC. 8. Section 42103 of the Public Resources Code is
15 amended to read:

16 42103. The department, ~~in collaboration~~ may consult with the
17 air board and water board, and shall prepare and adopt criteria and
18 procedures for evaluating applications for grants awarded pursuant
19 to this chapter, as well as establish the appropriate requirements
20 to determine that the equipment *purchased or* proposed to be
21 purchased assists the small business in ~~meeting new or exceeding~~
22 ~~exceeding new or~~ existing applicable environmental standards. In
23 developing these criteria, the department shall specifically consider
24 proximity of the facility to sensitive receptors and residences and
25 coordinate with existing enforcement activities. *The department*
26 *shall give priority to need-based grants for smaller businesses.*

27 ~~SEC. 8.~~

28 SEC. 9. Section 42105 of the Public Resources Code is
29 repealed.

30 ~~SEC. 9.~~

31 SEC. 10. Section 42106 of the Public Resources Code is
32 amended to read:

33 42106. (a) The department, in consultation with the air board
34 and water board, may adopt regulations to implement this chapter.
35 The department may adopt emergency regulations to implement
36 the grant program in accordance with Chapter 3.5 (commencing
37 with Section 11340) of Part 1 of Division 3 of Title 2 of the
38 Government Code, and for the purposes of that chapter, including
39 Section 11346.1 of the Government Code, the adoption of these
40 regulations is an emergency and shall be considered by the Office

1 of Administrative Law as necessary for the immediate preservation
2 of the public peace, health, and safety, and general welfare.
3 Notwithstanding Chapter 3.5 (commencing with Section 11340)
4 of Part 1 of Division 3 of Title 2 of the Government Code, an
5 emergency regulation adopted by the board pursuant to this section
6 shall be filed with, but not repealed by, the Office of Administrative
7 Law, and shall remain in effect until revised by the department.

8 (b) Regulations adopted by the agency pursuant to this section
9 that are in effect on or before January 1, 2010, shall remain in
10 effect until revised by the department.

11 ~~SEC. 10. Section 42107 of the Public Resources Code is~~
12 ~~repealed.~~

13 *SEC. 11. Section 42107 of the Public Resources Code is*
14 *amended to read:*

15 42107. (a) This chapter shall remain in effect only until January
16 1, ~~2012~~ 2014, and as of that date is repealed, unless a later enacted
17 statute, which is enacted before January 1, ~~2012~~ 2014, deletes or
18 extends that date.

19 (b) All unencumbered moneys in the Chrome Plating *and Metal*
20 *Finishing* Pollution Prevention Fund on January 1, ~~2012~~ 2014,
21 shall be transferred to the General Fund.

22 ~~(c) The repeal of this chapter does not terminate any of the~~
23 ~~following rights, obligations, or authorities, or any provision~~
24 ~~necessary to carry out these rights, obligations, and authorities:~~

25 ~~(1) The repayment of loans, outstanding as of January 1, 2012,~~
26 ~~due and payable to the relevant financial company.~~

27 ~~(2) The resolution of any cost recovery action.~~